<div style="border: 1px solid black; text-align: center;">

Adversary Proceeding
Case Opening

</div>

Opening an adversary proceeding involves entering the necessary information regarding the plaintiff and defendant, along with basic statistical data. The lead event (usually the complaint) is incorporated into this process and will not need to be docketed separately. This module demonstrates the steps to take to open an adversary proceeding in CM/ECF.

STEP 1   Click the Adversary hypertext link on the CM/ECF Main Menu Bar.

STEP 2   The **Adversary Events** screen displays.

◆   Click the Open an AP/MP Case hypertext link.

STEP 3   The **Case Data** screen displays. **(See Figure 1)**
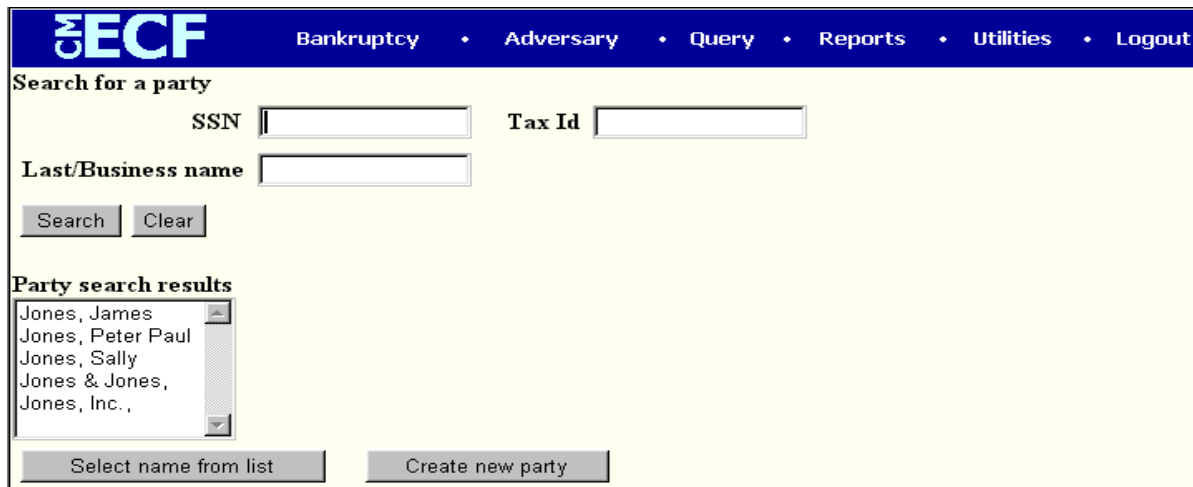

Figure 1

◆   Note that the case number field is inaccessible. A case number will be received after the transaction has been completed.

◆   Click the down arrow ▼ to reveal the list of **Office** (division) options. Select the same division to which the related base case is assigned.

◆   The current date is displayed in the **Date Filed** field. This date cannot be changed.

◆   Click the down arrow ▼ to reveal the list of **Case Type** options. Choose either *ap* for adversary proceeding or *mp* for miscellaneous proceeding.

◆   Click the down arrow ▼ to reveal the list of **Complaint** options: either *y* for yes or *n* for no. This field signifies the lead event for this proceeding. If filing something other than a complaint, such as a Notice of Removal, change the

y to *n*.

STEP 4   The **Search Party** screen displays.

◆   Enter a social security number, tax identification number, or last/business
        name to search for the party to be added to the case. *It is recommended
        that you add parties to the case in the following order: Plaintiffs, defendants,
        then interested parties/other as applicable.*

◆   Click **[Search]** to continue.

STEP 5   The **Party Search Results** screen displays. **(See Figure 2)**

Figure 2

◆   If the system finds the correct party, highlight the party's name in the **Party
        Search Results** window, and click **Select Name from List** to add the party
        to the case, **(See Figure 2)** and then proceed to **Step 6**.

OR

◆   If the system <u>does not</u> find the party with the search criteria entered, it will
        display a message **No person found**. **(See Figure 3)**

◆   Click **Create New Party** to add the party to the case.

Figure 3

STEP 6   The **Party Information** screen displays. **(See Figure 4)**

Figure 4

> **Note:** if you have selected a party from the party list, you will not be able to change the social security number/tax id number field; however, you will be able to modify other field information.

◆   Enter or verify the party name. Remove party information (if any) such as address and county. The plaintiff is represented by counsel, and thus no address information should be entered.

> **Important**: Specify applicable **[Role]** type, Plaintiff, Defendant, etc. The system will default to *"debtor"* and must be changed to reflect the correct party role for the party currently being added.

◆ Click **[Attorney]** if you are representing the party being added.

  ◆ Enter your last name or bar id number.
  ◆ Click **[Search]** to continue.

    ◆ The **Attorney search results** screen displays.
    ◆ Click to highlight the attorney name.
    ◆ Click **[Select name from list]** to continue and add yourself as the attorney for the party.

    Note: if you are representing multiple parties, you will need to add yourself as the attorney for each plaintiff-party you are representing.

◆ The **Party Information** screen displays again.

◆ Add aliases, if any, by clicking the **[Alias]** button.

◆ Review information by clicking the **[Review]** button to verify the information for the party being added.

◆ When all information is correct, click **[Submit]** to add the party to the case and database.

◆ The **Party Information** screen displays again.

  REPEAT Steps 4, 5 and 6 until all Plaintiff(s), Defendant(s) or other interested parties have been added to the system. Note: When adding a defendant, DO NOT associate an attorney for the defendant. An attorney for a defendant will be added to the case upon the filing of an answer. If the defendant is a debtor, be sure to also remove the debtor address information in the same manner as was done for the plaintiff.

◆ Once all parties have been added to the system, click **[End Party Selection]**.

STEP 7   The **Adversary Statistical Data** screen displays. **(See Figure 5)**

Figure 5

♦   Click the down arrow ▼ to reveal the list of **Party Code** options. If the U.S. is a plaintiff or a defendant in this adversary proceeding, click to highlight the correct party code to so indicate. If the U.S. is *__not__* a plaintiff or defendant in your case, accept the default **US is not a party to the case**.

♦   Click the down arrow ▼ to reveal the list of **Nature of Suit** options. Click to highlight the nature of suit that applies to the instant case. Only one **Nature of Suit** option can be selected. However, there will be a supplemental text box window in the **Final Docket Text** screen in which to type the **Nature of Suit(s)** the pertain to this filing.

Important Note: If there is more than one **Nature of Suit** and one is objection to discharge (727), choose *424(obj/Revocation Discharge 727)* here. This will place a flag on the base case to note that an objection to discharge exists in the case.

♦   Click the down arrow ▼ to reveal the list of **Origin** options. Click to highlight

and select the appropriate origin for the case being filed. The **Origin** field defaults to original proceeding. Other values are:

```
original proceeding
removed from state
remand from appel ct
reinstated/reopened
transferred
multidistrict litig
```

◆   Enter a **Transfer Date** if applicable.

◆   Click the down arrow ▼ to reveal the list of **Rule 23 (Class Action)** options. The default is *n* for no. If the adversary being filed is a Rule 23 (Class Action) proceeding, change the default to *y.*

◆   Click the down arrow ▼ to reveal the list of **Jury Demand** options. Those options are *Both*, *Defendant*, *None* or *Plaintiff*. The system defaults to none. If you are requesting a jury trial in your attached complaint, so indicate in this field.

◆   **Demand**: If there is a dollar demand in the complaint, enter the **($000)** amount to the nearest thousand (i.e. for a demand of 5,000 enter 5, leave off the 000). Note: DO NOT use dollar signs or commas.

◆   Click **[Next]** to continue.

STEP 8   The **Related Cases** screen displays. **(See Figure 8)**

```
Lead case number  [                        ]

Association type  [Adversary              ▼]

[Next]    [Clear]
```

Figure 8

◆   Enter the **Lead Bankruptcy Case Number** (Base Case Number) in yy-nnnnn format.

◆   The **Association Type** field defaults to adversary. Click the down arrow ▼ to reveal the list of other **Association Type** options:

Adversary, Objection to Discharge of Debt
Adversary, Objection to Discharge of Debtor
Adversary
Consolidated
Deconsolidated
Jointly Administered

Related

◆   Click to highlight and select the appropriate **Association Type**.

        Important Note: If there is more than one **Nature of Suit** and one is
        objection to discharge (727), choose *Adversary, Objection to Discharge of
        Debtor* here. This will place a flag on the base case to note that an
        objection to discharge exists in the case.

◆   Click **[Next]** to continue.

        Note: If the system prompts that the base case number entered is not a
        valid case, click the **[Back]** button and re-enter the case number.

STEP 9   The **PDF Document Selection** screen displays.

◆   Click **[Browse]**, then navigate to the directory where the appropriate PDF
        file is located. Double-click the PDF file to select it and associate it with this
        docket entry. Be sure to include the pdf image of the adversary proceeding
        cover sheet.

        Note: If you wish to view the image before selecting to be sure you have
        chosen the correct file, before double-clicking, first right click on the
        highlighted filename and click on *open*. You can view the image in Adobe
        Acrobat, then close Adobe Acrobat when you have finished viewing the
        image.

◆   The **Attachments to Document** option defaults to **No**. If you have
        attachments to this document, click the **Yes** radio button to indicate there are
        attachments. (Refer to module: *Attachments to Documents* for more
        information).

        Note: When an adversary is filed electronically, the court issues an
        electronic summons. Therefore, it is not necessary to include with the filing
        an image of an unissued summons or to make a docket entry to send an
        unissued summons. The summons will be available in several days from the
        docket report and the Bankruptcy Noticing Center will also send a copy of
        the summons to the attorney.

◆   Click **[Next]** to continue.

STEP 10   The **Fee Information/Nature of Suit** screen displays. **(See Figure 9)**

Figure 9

◆ In the **Receipt Field**, type CC for credit card. If the trustee is deferring the fee, type DEF in the receipt field. If the fee is not applicable (*i.e.* the debtor and the plaintiff are the same party and the base case is a Chapter 7 filing), type NA in the receipt field.

Note: If the Trustee is deferring the fee, after opening the adversary case, click the Adversary hypertext link; then click the Other hypertext link. Docket the event: Affidavit of Trustee-Plaintiff of Deferred Filing Fee.

◆ A system message appears: **"Enter Nature of Suit and Description in Docket Text"** to remind you to add these items to the **Final Docket Text** window which will appear on the next screen.

STEP 11   The **Final Docket Text** screen displays. **(See Figure 10)**

Figure 10

◆ A supplemental text box window and a prefix box are available to add more detail to the docket text.

- Click the down arrow ▼ to display the prefix options.
  Options to choose from are:

  [none]
  Agreed
  Alias
  Amended
  Emergency
  Ex Parte
  Scheduled with urgency
  Fifth
  Final
  First
  Fourth
  Interim
  Intervenors
  Joint
  Omnibus
  Opposition
  Proposed
  Sealed
  Second
  Sixth
  Supplemental
  Supporting
  Third
  Third Party

- A supplemental text box window is provided in which to type the nature of the suit(s).

- Verify the accuracy of the Final Docket Text.

- Click **[Next]** to continue.

STEP 12   The **Final Approval** screen displays.

◆   Verify the Final Docket Text. Read the warning message.

◆   If the Final Docket Text is <u>correct</u>:

   ◆   Click **[Next]** to continue and officially submit document.

◆   If the Final Docket Text is <u>incorrect</u>:

   ◆   Click the browser **[Back]** button to find the error(s) and proceed with the event.

   ◆   To abort or restart the transaction, return to **Step 1** and begin again.

STEP 13   The **Notice of Electronic Filing** screen displays.

◆   The Notice of Electronic Filing is the verification that the filing has been filed electronically in the court's database. It certifies the that document is now an official court document.

◆ Clicking on the case number hypertext link on the **Notice of Electronic Filing** will present the *Docket Report* for this case.

◆ Clicking on the document number hypertext link will present the *PDF Image* of the document just filed.

◆ To print a copy of this notice click the browser **[Print]** icon.

◆ To save a copy of this notice, click **[File]** on the browser menu bar and select **Save Frame As**.

◆ You may also save the notice through the browser **File/Save** option.